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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Twelfth periodic reports of States parties due in 1992

Addendum

UKRAINE*

[19 July 1992]

PART I - GENERAL

This report supplements the previous reports submitted by Ukraine in compliance with article 9 of the Convention, and in particular the tenth and eleventh reports (the latter report was transmitted to the Secretariat in March 1991, but has not been submitted to the Committee on the Elimination of Racial Discrimination). In addition, this report contains replies to questions asked by experts after the transmission of the tenth Ukrainian report.

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* For the tenth and eleventh periodic reports of the Ukrainian Soviet Socialist Republic and the summary records of the meetings at which such reports were considered, see:

Tenth periodic report - CERD/C/172/Add.14 (CERD/SR.893);

Eleventh periodic report - CERD/C/197/Add.5 (Pending consideration).

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Since March 1991 Ukraine has experienced events of truly historic significance that have changed its status as a State and prepared the ground for a new stage in its development. On 24 August 1991, the Verkhovna Rada (Supreme Council, or Parliament) passed the Act Proclaiming the Independence of Ukraine.

The course chosen by the Parliament was confirmed by an absolute majority vote in the all-Ukraine referendum of 1 December 1991, at the same time as the President of the Republic was elected in a nationwide poll. Real prospects for again becoming masters in their own country opened up before the Ukrainian people.

The dismantling of the USSR and the establishment of independent States on its territory led to a qualitatively new political situation. It became necessary to create a mechanism for coordinating the interests of the former Republics of the USSR in the light of their differing political and social situations and for bringing disrupted economic links into a state of equilibrium. The Commonwealth of Independent States (CIS) was created for this purpose.

In signing the agreement establishing the CIS, Ukraine acknowledged the common nature and the complexity of the problems that had arisen. At the same time, we proceeded from the fact that, as regards its legal status, Ukraine is and remains a subject of international law.

From the very outset, Ukraine stated clearly that it was against transforming the CIS into a polity with supranational organs of power and administration of any kind. It also opposed conferring on the CIS the status of a subject of international law.

In its relations with the countries of the CIS, Ukraine is guided by generally recognized principles and rules of international law and favours active, equitable and mutually advantageous cooperation with them in the political, economic, social and humanitarian spheres.

The process of reviving the statehood of an independent Ukraine began under the difficult conditions created by the political and economic crisis that had beset the pre-existing society. The rapid internal political changes have been reflected in the Parliament's legislative activity.

Until independence was declared, decisions regarding the strengthening of the Republic's sovereignty were taken with more than an eye for the dying USSR, for the possible reaction from its centre - Moscow. The creation of a legal basis for society was impeded by the presence in the Supreme Council of a communist majority. In a number of cases, the laws passed during that period were not devoid of ideological bias.

The turning-point on the way to democracy was the declaration of independence and the removal of Party and ideological influence from political and social life, which became possible after the failure of the August 1991 putsch in Moscow and the removal of the Communist Party from power. These events radically changed the balance of political forces in the Supreme Council and in society as a whole.

Ukraine's statehood is now being built on a foundation of civil peace, but under conditions of continuing crisis in the economic, scientific, cultural and educational spheres. There remain serious obstacles to the strengthening of the young independent State in the form of recurrences of imperialistic thinking and the disinformation campaigns with which Ukraine is constantly having to contend.

In the course of strengthening its statehood, Ukraine is developing comprehensive relations with the countries of the CIS and bilateral links with other countries throughout the world; some 120 countries have announced their diplomatic recognition of Ukraine, and diplomatic relations have been established with 72 countries (as at 12 May 1992).

An important strand in Ukraine's foreign policy is the expansion of cooperation with European countries. Ukraine began making persistent efforts aimed at its inclusion in the pan-European process and the European structures long before the collapse of the USSR. As one of the original Members of the United Nations, Ukraine, together with other States, laid the foundations for lasting peace in Europe - the basis on which the Helsinki process started and developed.

Ukraine subscribes fully to the aims and principles of the Helsinki Final Act, the Charter of Paris for a New Europe and other CSCE documents.

The signing of the CSCE Final Act by the Ukrainian President in Helsinki on 26 February 1992 was an important event concluding a major stage in Ukraine's struggle for equal status in Europe. On 10 March 1992, Ukraine became a participant in the North Atlantic Cooperation Council.

Ukraine supports the conclusion of the Moscow meeting of the CSCE Conference on the Human Dimension that human rights are a matter of common concern for, and the collective responsibility of CSCE countries. The decision taken at the meeting to strengthen procedures for monitoring the observance of human rights represents a new level of cooperation as regards the human dimension.

We welcome the proposed enhancement of the functions of the CSCE Office for Democratic Institutions and Human Rights. For the future, Ukraine intends to become a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, with a view to ensuring a European level of protection of human rights on its territory.

The policy of Ukraine in the field of human rights is attested to by its accession to the Optional Protocol to the International Convenant on Civil and Political Rights.

On 26 May 1992, in compliance with article 14 of the International Convention on the Elimination on All Forms of Racial Discrimination, Ukraine declared its recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications by individuals or groups of individuals claiming to be victims of violations by a State Party to the Convention of any of the rights set forth therein.

In the United Nations Commission on Human Rights, Ukraine has proposed the concept of all-embracing international cooperation in the sphere of human rights and put forward the idea of formulating a new generation of human rights - economic rights.

Ukraine is one of the initiators of the discussion within the United Nations of the problems of national minorities. At the forty-sixth session of the General Assembly of the United Nations, a resolution on "Non-discrimination and protection of minorities" was adopted on the initiative of the Ukraine.

Securing the rights of national minorities is one of the central elements in the building of relations between Ukraine and neighbouring countries. The declaration signed by Ukraine and Hungary on 31 May 1991 is Europe's first bilateral agreement in the field of the protection of national minority rights, to have been formulated on the basis of the Document of the Copenhagen meeting of the CSCE Conference on the Human Dimension and the Charter of Paris for a New Europe.

By conforming to international standards in the field of human rights and taking into account the experience of other countries in this field, we have avoided ethnic conflict. However, given the collapse of the political and economic structures underpinning the former totalitarian regime and the associated social and economic complications, we have no guarantee that the ethnic situation will not deteriorate in Ukraine.

Deeply convinced that the defence of human rights and freedoms, including the rights of national minorities, is one of the most important guarantees of peace and stability, Ukraine's Parliament and Government are giving top priority to these questions.

During the period covered by this report, a number of legal instruments for developing democracy and strengthening the rule of law were adopted or prepared. Among the most important of them were: the outline and formal draft of a Constitution; laws on citizenship, the rehabilitation of victims of political repression, freedom of conscience and religious organizations, alternative (non-military) national service, all-Ukraine and local referenda, local councils and local self-government, elections, associations, and the operation of international agreements on the territory of Ukraine; and a bill on national minorities.

* * *

As is clear from the outline Constitution adopted by Parliament and from the resulting draft Constitution (29 January 1992), Ukraine's new Constitution, in affirming the primacy of universal human values over class values, will lay down democratic and humanitarian lines for the development of the Ukrainian State. The individual and his liberty, rights, material and spiritual welfare, honour and dignity will be placed at the centre of social life.

However, for the above-mentioned reasons there are some divergences between the outline and the draft Constitution.

For example, enshrined in the outline Constitution - approved before Ukraine's declaration of independence - is the concept of a strong, unitary presidential and executive authority capable of standing up to the centre. The approval of the draft Constitution marks a different approach to shaping and defining the competence of the central State administration, the division of Ukraine into administrative units and the principles underlying it, the system of local self-government, etc.

Again in the outline Constitution, there is a provision regarding adherence to socialism. In the light of the subsequently adopted laws, this provision has become obsolete.

* * *

The provisions of the International Convention on the Elimination of All Forms of Racial Discrimination are being taken into account in the legislation being adopted by the Ukrainian Supreme Council. Also contributing to the implementation and observance of the Convention's provisions is the Act passed in the autumn of 1991 on the operation of international treaties on the territory of Ukraine. In the preamble to this instrument it is stated that the reasons for the adoption of the Act are the primacy of universal human values and a desire to ensure the inviolability of human rights and freedoms. The Act provides that, after they have been ratified, international treaties shall become an inalienable part of Ukrainian domestic law and that they shall be implemented in the manner envisaged for national laws.

* * *

During the period 1979-1989, the number of Ukrainians increased by 930,000 (by 2.5 per cent), but their share of the overall population of Ukraine declined by 0.9 per cent. This was due largely to a low level of natural population growth relative both to the overall indicator for Ukraine (7 per cent less) and to the natural population growth of other nationalities living within the Republic (growth of the Ukrainian population was 1.6 times less than that of the Russian population, 1.4 times less than that of the Byelorussian population, 4.4 times less than that of the Moldovan population and 4.9 times less than that of the Tartar population).

Again during the period 1979-1989, the number of Ukrainians living outside Ukraine increased by a factor of almost 1.2; it now stands at 6.8 million, with Ukrainians accounting for 9.9 per cent of the population in Russia, 2 per cent in Kazakhstan, 1.4 per cent in Moldova, 0.7 per cent in Belarus and 0.3 per cent in Uzbekistan.

Ukrainians constitute a majority in all Ukrainian provinces except Crimea. Most Ukrainians live in the provinces of the Severo-Zapadny (North-West) province (with the exception of the Zakarpatskaya (Transcarpathia) and Chernovtsy regions) and in the Vinnitsa, Cherkcassy and Chernigov regions.

There are 14 million people of other nationalities living in Ukraine (14 per cent of the total population). During the period 1979-1989, the number of Russians increased by 884,000 (by 8.4 per cent). Apart from the

Republic of Crimea, where they account for 67 per cent of the population, the Russians are living mainly in the Lugansk, Donetsk, Kharkov, Zaporozhye, Odessa, Dnepropetrovsk and Kherson provinces.

The next largest national group are the Jews, the number of whom declined by 146,000 during the period 1979-1989 and now stands at 486,000 (0.9 per cent). More than two thirds of the Jews live in Kiev and in the Odessa, Chernovtsy, Kharkov, Zhitomir, Vinnitsa and Dnepropetrovsk regions; 99 per cent of the Jews are town dwellers.

Most Byelorussians live in Crimea, in the Donetsk, Rovno, Dnepropetrovsk, Lugansk, Nikolaev, Kharkov and Zaporozhye regions, and in Kiev.

The Moldovans, accounting for 0.6 per cent of Ukraine's population, constitute a compact group living mainly in the Odessa and Chernovtsy regions. Over half of the Bulgars, who account for 0.5 per cent of Ukraine's population, live in the Odessa and Zaporozhye regions. Of the Poles living in Ukraine, 65 per cent are settled in the Zhitomir, Vinnitsa and Lvov regions and in Kiev.

The most compact group are the Hungarians, 96 per cent of whom live in the Zakarpatskaya region.

Of the Gagauz population in Ukraine, 86 per cent live in the Odessa region; 85 per cent of Ukraine's Greek population live in the Donetsk region; and of Ukraine's Romanian population, 74 per cent live in the Chernovtsy region and 22 per cent in the Zakarpatskaya region. Most of the Hungarians, Gagauzi and Romanians live in rural areas.

Ukraine's ethnic Germans live mainly (almost 70 per cent) in six regions (Dnepropetrovsk, Donetsk, Odessa, Zakarpatskaya, Zaporozhye and Lugansk) and in Crimea.

In Ukraine, an increase has been observed in the number of Uzbeks and Azerbaijanis (by a factor of 2.1 in each case), of Turkmens (by a factor of 2), of Tadzhiks (1.8), Kazakhs (1.5) and Georgians and Armenians (1.4 in each case).

PART II - INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

A. Article 2

In view of Ukraine's sorry inheritance of repression and persecution of people with unorthodox ideas or beliefs, it is extremely important for healing the psychological wounds sustained by society that the evil, inhumane policies of the past be condemned and that the new legislation protect citizens' rights to freedom of conscience, religion, thought and beliefs.

On 17 April 1991, the Supreme Council adopted the Act on the Rehabilitation of Victims of Political Repression in Ukraine. One of the Act's most important provisions is that the State shall "guarantee to the Ukrainian people that such events will not occur again and that human rights and the rule of law will be held sacred" (Preamble).

By this Act, the State does more than simply eliminate the consequences of the unlawful acts committed againt the Ukrainian citizens, who, either on the basis of anti-democratic laws or as a result of downright lawlessness, underwent persecution because of their "political activities, utterances or religious beliefs". As indicated in the Preamble, the State "condemns repression and rejects terrorist methods of governing society, condoles with the victims of unjustified repression and with their relatives and friends, and proclaims its intention to strive unswervingly to restore justice and to eliminate the consequences of arbitrary rule and of civil rights violations".

Pursuant to articles 3 and 4, all civil rights of rehabilitated persons will be restored; this applies also to their family members.

Article 5 lays down standards for compensating such persons and declares that their immovable and movable property shall be returned to them.

However, article 5 is being criticized in the press on the grounds that it sets a three-year limit for the submission of compensation claims and does not provide for the return of nationalized property by way of compensation. The view is being expressed that the right to own property is a fundamental human right and that, with the recognition of human rights, this right cannot be subject to a time-frame or prescription, especially when the property in question was seized, confiscated or nationalized on the basis of unjust laws and without any compensation; the provisions of article 5 are regarded as infringing the right to property.

Pursuant to the Act, commissions have been set up in all Ukrainian towns and within the Procurator's Office to examine cases of repression.

In Kiev, for example, a group to examine cases of repression was set up in 1989, since when more than 3,000 cases have been examined and more than 3,000 persons rehabilitated. There were already commissions of this kind in Ukraine in 1956, but their possibilities were very limited: hundreds of thousands of unexamined cases remain in the archives of the Committee on State Security (KGB) and the Ministry of the Interior.

All criminal cases since 1917 are subject to review, priority being given to cases dating back 40-50 years - i.e. to the period of the Great Patriotic War. When it appears from a examination of a case that a former police official was not involved in violence against civilians and did not participate in acts of repression perpetrated by the German occupiers, he is declared to be rehabilitated. In the light of the available evidence, however, many such persons are not eligible for rehabilitation.

Within local councils there are also commissions dealing with questions of administrative rehabilitation; many convicted persons were unlawfully deprived of home and property.

The unprecedentedly widespread repression of religious believers was a real tragedy for Ukraine. In the 1920s-1930s and the 1960s, religious communities were dispersed, places of worship were destroyed or arbitrarily closed and believers were persecuted.

Thanks to the democratization of the political system, the elimination of ideological monopolism and the establishment of a qualitatively new legal basis for public life, the past three years have seen radical changes in State-Church relations and in the situation of religious organizations.

The State's new attitude towards the Church is enshrined in the draft Constitution and in the Act of 23 April 1991 on freedom of conscience and religious organizations. These legal instruments, drawn up in the light of international norms, contain numerous provisions missing from earlier national legislation.

For example, the draft Constitution provides that "no one may be compelled to reveal secrets of the confessional" (art. 40). As regards freedom of belief, it provides for people's "free expression and unhampered dissemination in oral, written or other form" of their views and convictions (art. 41). In addition, the draft Constitution forbids persecuting people for their beliefs.

The Act on Freedom of Conscience and Religious Organizations opens up considerable possibilities for the satisfaction of people's religious needs and confers on religious organizations both legal personality and the right to engage in educational, charitable, manufacturing and other socially useful activities.

The Act guarantees every Ukrainian citizen the right to freedom of conscience. This right includes the freedom for the citizen to have or adopt the religion or convictions of his choice and to change them at will and the freedom to profess any religion either individually or together with others or to profess no religion at all, to perform religious rites and openly to express and freely to disseminate religious or atheistic opinions (art. 3.1).

Ukraine's citizens are equal before the law and possess equal rights in all spheres of economic, political, social and cultural life regardless of their attitude towards religion.

Liability as specified in the Act attaches to all direct or indirect restriction of citizens' rights or establishment of direct or indirect privileges for citizens because of their attitude towards religion and to all arousing of hostility, hatred or offence to citizens' feelings in that connection (art. 4.1).

Under the Act, churches are entitled to conduct religious services freely and without hindrance, including services in the home and at cemeteries and subject to the agreement of the staff and the management, in enterprises and institutions. The holding of religious services in military units, hospitals and old people's homes is also permitted.

Religious organizations may establish charitable associations. The financial resources of such associations, church income and donations in cash or kind are not taxed.

In the interests of the family and of the protection of children's rights, parents or persons acting in loco parentis are entitled to bring up children on the basis of their own convictions and attitude towards religion.

For the first time in many decades, the State has, out of respect for the feelings of religious believers, authorized the celebration of religious festivals as a legal right and designated certain days as days of rest for this purpose. The right to such days of rest is a part of freedom of conscience, religion and belief.

Thanks to the entry into force of new laws, the right to freedom of conscience is acquiring true meaning. The number of religious organizations in Ukraine has almost doiubled since the beginning of 1989.

During the same period, the number of Ukrainian Orthodox parishes has increased from 4,418 to 5,473 and there has been a revival of the Ukrainian Greek Catholic Church and the Autocephalous Orthodox Church of Ukraine. Administrative structures have been established by the Roman Catholic Church, which now comprises 450 religious communities - four and a half times as many as three years ago. Ukraine's Catholics welcomed the establishment of diplomatic relations between Ukraine and the Holy See.

Various Protestant churches (Baptist, Adventist, Reformed, Pentecostal) have strengthened their positions, and the religious organization, the Jehovah's Witnesses, is now legal.

National minorities are also taking advantage of the opportunities to bolster their religious life. The number of functioning synagogues is growing, helped by the Association of Judaic communities; Muslims, the Armenian Apostolic Church and the German Evangelical-Lutheran Church have established religious centres in Ukraine.

The process of religious revival in Ukraine is being accompanied by problems, namely interdenominational conflicts resulting from gross interference by the former totalitarian authorities in the religious and ecclesiastical field, from extreme politicization in this field and from the efforts of various political forces to strengthen their positions by gaining the support of religious believers.

Such conflicts are frequently portrayed in the media as manifestations of an interdenominational struggle, especially between Orthodoxy and Catholicism in the western regions of Ukraine. In fact, they reflect intercommunal controversy, and sometimes quarrels over the right to use local places of worship.

To a large degree, it has been possible to curtail such flare-ups of interdenominational strife by building new places of worship, often with the participation of both the Orthodox and the Graeco-Catholic community. Tensions between the Ukrainian Orthodox Church and the Autocephalous Orthodox Church of Ukraine are gradually subsiding. However, the economic crisis is delaying the final resolution of the problem.

There have been a number of initiatives aimed at creating an atmosphere of harmony. The most effective of them was the holding in Kiev, on 19 and 20 April 1991, of an all-Ukraine forum open to all religions. This represented an attempt to strengthen the leadership of Ukraine's religious organizations under the new conditions now prevailing. It created prospects for cooperation between the various confessions, especially on social matters, and contributed to the quest for mutual understanding between churches through the mediation of the State.

The President's benevolence in making 25 million roubles of sequestrated Ukrainian Communist Party funds available to religious organizations attracted considerable public attention.

After the forum there were three meetings of the Council of Church Leaders at which common problems were discussed and positions on the more important of them elaborated.

Generally speaking, interdenominational conflicts are becoming less acute, thanks to the depoliticization of the underlying problems. However, new flare-ups are possible.

Recently, two centres of growing tension - linked one way or the other with ethnic factors - have emerged within Ukraine and in the immediate vicinity of its frontiers. We are referring to the situations that have arisen over Crimea, which is a part of Ukraine, and Pridnestrovye, which is a part of Moldova and borders on Ukraine.

The roots of the Crimean problem lie deep in the past. The peninsula was long ago settled by people of different nationalities - Ukrainians, Russians, Tatars, Greeks, Germans, etc.

For centuries, Crimea - like Ukraine - was part of the Russian Empire, first Czarist and then Soviet.

The forced resettlement of the Tatars in 1944 and their replacement on the peninsula primarily by people from Russia tilted the long-standing demographic balance in Crimea in favour of the Russian population. There are now about 1.5 million Russians, 600,000 Ukrainians and 200,000 Tatars living in Crimea.

Since attaining full sovereignty and subsequently independence, Ukraine has clearly stated and is consistently pursuing a policy on nationalities that has as its cornerstone respect for human rights and for the rights of ethnic minorities and recognition of the inviolability and integrity of existing frontiers.

These principles are also enshrined in the bilateral Ukrainian-Russian Treaty signed in December 1990.

The Crimean peninsula, which is a natural extension of the territory of Ukraine, has traditionally had close links with the Ukrainian economy. It was

for this reason that in February 1954, by decision of the Presidium of the Supreme Soviet of the RSFSR, Crimea was transferred from the Russian Federation to the Ukrainian SSR.

Since then, the economy of Crimea has become an integral part of the Ukrainian economy. Suffice it to say that Crimea obtains from Ukraine 75 per cent of the industrial products, 85 per cent of the electrical energy and over 85 per cent of the fresh water that it needs.

While Ukraine is consolidating its statehood, however, separatist forces in Crimea are attempting to destablize the situation, distorting the policies of Ukraine and, particularly as regards culture and language, accusing it of wanting to "ukrainize" Crimea.

In fact, what is at issue is the securing of the elementary rights of Crimea's Ukrainian population, for there is still not a single Ukrainian school in Crimea, the only Ukrainian-language newspaper has ceased to exist and Ukrainian television programmes have great difficulty in "penetrating" the Crimean peninsular.

The problem of the Black Sea Fleet is being exploited in order to exacerbate the situation. Separatist deputies in the Crimean Supreme Soviet are calling for a complete and immediate break with Ukraine, and they are attempting to settle the future of the peninsula without the participation of the Crimean Tatars, who are not represented in Crimea's highest legislative organ, or of the other peoples of Crimea.

Against this background of growing political strife in Crimea, the situation is being rendered still more complex by the return of Crimean Tatars to their historical homeland and by the resolution of questions concerning recognition to the Crimean Tatar people's of the right to self-determination and granting of national statehood to Crimea within Ukraine.

With a view to stabilizing the situation, on 29 April 1992 the Ukrainian Supreme Council passed an Act on the status of the Crimean Autonomous Republic that guarantees the latter a wide range of powers in dealing with the area's social, economic and cultural development.

However, Crimea's Supreme Council did not accept this Act and adopted its own Act on the State Independence of the Republic of Crimea. That Act runs counter to the Constitution of Ukraine as regards the inviolability and parliament to decide matters concerning the structure of the country as a national State. The problem of Crimea remains unresolved.

The lands comprising Pridnestrovye, long settled by Russians and Ukrainians, were incorporated into Russia at the end of the 18th century, becoming part of the Podolsk and Kherson governorates. In 1924, the Moldavian Autonomous Soviet Socialist Republic was established on the territory of Ukraine. In August 1940 came the formation of the Moldavian SSR comprising Bessarabia and part of the territory of the former Moldavian Autonomous Republic, the remainder of which was left within Ukraine. With the disintegration of the USSR and the emergence of Ukraine and the Republic of

Moldova as independent States, this has led to tragedy for the many thousands of Moldovans, Ukrainians and Russians who have close relatives on both sides of what were previously merely formal frontiers.

Moldavian Pridnestrovye is now part of the Republic of Moldova: It includes the left bank of the Dniester and, on the right bank, the town of Bendery.

A particular feature of Pridnestrovye is the multinational composition of its population, Moldovans accounting for about 40 per cent, Ukrainians for 28 per cent, Russians for 26 per cent, and Gagauzi, Bulgars, Jews, Belarusians, Germans, Poles, Gypsies and others for about 6 per cent.

On the path to true national independence, the Republic of Moldova has run up against opponents who are hostile to the natural renascence of peoples that were incorporated into the former USSR against their will. The representatives of this opposition, who are concentrated mainly in the industrial cities of Pridnestrovye, have perpetrated a number of acts directed against the territorial integrity of Moldova, their aim being to seize the regions on the left bank of the Dniester and establish the so-called Dniester Moldavian Republic. Almost the entire population of Pridnestrovye has been drawn into the conflict.

The Ukrainians of Pridnestrovye have also become hostage to those political adventurists. Deceived and frightened by allegations that the Romanians are planning genocide against the Slav population of Prinestrovye, people have taken up arms.

Armed groups have been formed and, together with Cossacks who have come to the left-bank regions of Moldova under the pretext of defending "Russia's southern borders", are engaging in combat.

The peaceful population of Pridnestrovye is suffering as a result of the conflict. People are dying, the number of refugees from the left bank of the Dniester is growing and human rights are being grossly violated.

Ukraine respects the sovereignty and territorial integrity of the Republic of Moldova. In order not to be drawn even indirectly into the conflict, Ukraine has mounted a close guard over the Ukrainian-Moldovan frontier and is thereby depriving the parties to the conflict of the opportunity of using Ukrainian territory for their purposes.

In their statements Ukraine's parliament and Ministry of Foreign Affairs have called upon the parties to the conflict to seek an immediate political solution to all the points in dispute, with a view to ending the bloodshed and stabilizing the situation, and have reiterated their conviction that all the complex problems relating to Moldova, including questions of respect for national minority rights, must be resolved peacefully.

Favouring a peaceful resolution of the conflict, Ukraine regards as timely and constructive the April 1992 Declaration of the Ministers for Foreign Affairs of the Republic of Moldova, Romania, the Russian Federation and Ukraine, which sets forth the basic principles for settling the conflict

and provides for: the creation of a quadripartite commission to monitor the implementation of decisions concerning a ceasefire and the separation of the belligerents; the dispatch of a good will and mediation mission to engage in a dialogue with representatives of the population of the left-bank regions; and the creation of a group of human rights specialists representing the four countries to act as rapporteurs and to formulate recommendations based on the Charter of the United Nations, rules of international law and the relevant provisions of CSCE documents.

Article 3

The trends of a post-confrontational period - a desire to eliminate foci of tension and to further democratic transformations - are penetrating all spheres of life, including that of the struggle against racism and apartheid.

The process of dismantling apartheid and effecting democratic transformations that has been under way in South Africa in recent years is now irreversible. The number of supporters of President de Klerk's policy of reform among the white population is growing. The political wisdom of the black leadership is also encouraging.

The overall concept of a new South Africa as a State in the process of creating a unified, non-racial, democratic society is beginning to acquire concrete form. The referendum of 17 March 1992, with its expression of support for the policy of national reconciliation being pursued by President de Klerk, was an important landmark in this process.

The fundamental changes in South Africa are having a favourable influence on the country's international relations and creating the prerequisites for emergence from political isolation and the development of normal political and economic relations with other countries.

The above factors also determine the present position of Ukraine with respect to the Republic of South Africa. The first-ever visit to Ukraine by a representative of South Africa, Mr. R.F. Botha, the Minister of Foreign Affairs, was made in November 1991.

The talks between the Ukrainian leadership and the Minister of Foreign Affairs and the exchange of information on the political processes under way in each country led to mutual understanding and prepared the ground for the further development of relations.

In March 1992, agreement was reached on the establishment of diplomatic relations between Ukraine and the Republic of South Africa.

The moves by independent Ukraine, which is now building a democratic, law-governed State, towards the establishment of diplomatic relations and the development of cooperation with President de Klerk's South Africa do not imply deviation from Ukraine's policy of principle on apartheid.

As before, Ukraine supports the just struggle of the South African people against apartheid. As before, Ukraine condemns the ideology and practice of racism and rejects the apartheid system as an unlawful and criminal policy

inconsistent with human rights. We believe that international support for the South African Government's present policy will further the process of political resolution of the protracted racial conflict in South Africa.

Ukraine's present position regarding South Africa, the internal political processes in that country, the problems and difficulties on the way to democratization, and the activities of the United Nations and other international organizations in combating apartheid are widely publicized in the Ukrainian mass media.

Article 4

Pursuant to the draft Constitution of Ukraine, all citizens have the right to equal protection before the law.

No one is bound to execute clearly criminal ordinances or edicts even in states of war or emergency.

The execution of a clearly criminal ordinance or order gives rise to legal liability.

No one may be convicted otherwise than by the verdict of a court.

Legal liability for breaches of the law is personal.

The principle of the presumption of innocence applies in Ukraine.

No one may be held liable for refusal to testify against themselves, a spouse or any of a range of close relatives specified by law.

Everyone has the right to defence and assistance by a lawyer.

No one may be held liable for acts or failures to act that were not illegal at the time of their commission.

Officers and other officials of the State administration, organs of self-management or public associations may be held directly liable as specified by criminal, administrative or civil law for acts that infringe or restrict citizens' rights or freedoms.

Citizens are guaranteed the right to bring complaints before the courts against officials or other members of the State administration, organs of self-management or public associations that infringe or restrict human rights or freedoms.

Citizens have the right to compensation for moral or material injury caused by unlawful acts by State organs or officials in the performance of their official duties.

Citizens' complaints against the actions of organs of government or officials are examined by the courts and, where citizens' rights have been

violated, they are restored. In 1991, for example, 1,039 such cases were examined, 554 of them concerning complaints of unlawful action by individual officials.

The draft Constitution provides for the establishment for the first time in Ukraine of an extremely important institution for State monitoring of compliance with human rights and freedoms, namely the office of Parliamentary Ombudsman for Human Rights (art. 70). This defender of peoples' rights is to be appointed for 6-year terms from a number of lawyers of experience and repute.

The draft Constitution lays down the fundamental principles for the authority of the courts and the system of legal procedure in Ukraine that have formed the basis for the recently drafted Concept for the Reform of Legal Procedure.

In accordance with the draft Constitution, judicial authority in Ukraine will belong solely to the courts, which must exercise jurisdiction according to the rules of constitutional, civil, criminal and administrative legal procedure (art. 196).

The creation of emergency courts and special extrajudicial organs endowed with judicial authority is forbidden (art. 197).

For the first time in Ukraine it is planned to establish a Constitutional Court to resolve questions of the conformity of laws and other legal instruments with the Constitution. Among the functions of the Constitutional Court will be the review (at the request of the Parliamentary Ombudsman for Human Rights) of instruments issued by State organs that concern citizens' constitutional rights or freedoms (art. 227, para. 9).

Judges are independent, must be guided by their conscience and are subject only to the Constitution and the law. The immunity of judges is guaranteed by law (art. 201).

Legal proceedings must be conducted on the adversarial principle, with the equality of the parties' rights being guaranteed (art. 205).

Legal proceedings must be conducted in the State language, and the right of full acquaintance with the materials of the case, participation in court proceedings through an interpreter and the right to address a court in one's mother tongue are guaranteed (art. 206).

Supervision of compliance with, and of proper execution of the law is the responsibility of the Procurator General of Ukraine and the procurators under his authority (art. 212). The Procurator's Office is also empowered to supervise the lawfulness of acts by officials that affect citizens' rights or freedoms (art. 214, para. 1).

A new version of article 66 of the Ukrainian Criminal Code has been in force since 12 September 1991:

"Article 66. Disregard of the equality of citizens' rights on the grounds of their race, nationality or attitude to religion.

Deliberate acts aimed at inciting national, racial or religious enmity or hatred, at disparaging national honour or dignity or offending citizens' feelings with regard to religious beliefs, and likewise direct or indirect restriction of citizens' rights or establishment of direct or indirect privileges for citizens on grounds of their race, nationality or attitude to religion are punishable by deprivation of liberty for a period of up to three years or by a fine of up to 2,000 roubles.

Such acts, when accompanied by violence, deception or threats, or committed by officials, shall be punishable by deprivation of liberty for a period of up to five years or a fine of up to 5,000 roubles.

When committed by a group of persons or resulting in human death or other serious consequences, the acts referred to in the first and second sections of this article shall be punishable by deprivation of liberty for a period of up to 10 years".

In 1990, one person, and in 1991 nobody was convicted under this article.

However, the guarantees of rights, liberty and security of person provided by law are not limited solely to compliance with the above rules. The basic guarantor is the State's entire judicial system and its procedural legislation.

However, in Ukraine the courts, the entire system of justice and the legislation that governs the activities of law protection agencies are going through a profound crisis occasioned by a multitude of factors. In the past, the courts were far from effective in the defence of human rights and freedoms. As an instrument of the command system, they were transmitters of its will. The courts had no authority, but the authorities made use unchecked of the courts.

On 28 April 1992, the Supreme Council basically approved a concept for judicial and legal reform. That concept provides for the creation of such institutions as a Constitutional Court, judicial courts, jury courts and justices of the peace. Administrative legal procedure is being established and arrangements are being made for a unified investigatory apparatus.

A wide range of academic and practising legal specialists were involved in elaborating the concept. In late December 1991, the first-ever congress of judges in the history of Ukraine was held in Kiev to discuss the concept of judicial reform. The Republic's entire body of judges was represented at this meeting: it numbers 2,628 persons, including 2,028 judges who work in districts and towns.

The Cabinet of Ministers and standing commissions of the Supreme Council have been charged with drawing up bills on the judicial system and the bar, as well as on amendments and additions to the codes of criminal and civil procedure.

The Supreme Council has examined a bill on the Constitutional Court of Ukraine.

The recently adopted Act on the Procuracy merely mapped out the legal framework for the work of investigatory organs. The discussions concerning the fundamental restructuring of the actual agencies that undertake investigations show that most specialists feel it is necessary to establish an independent Investigatory Committee.

Articles 5 and 6

The draft Constitution proclaims Ukraine to be a democratic, law-governed State having as its concerns unwavering respect for human rights and freedoms and the improvement of human welfare (art. 1).

The Ukrainian State is intended to be at the service of society and must direct its policy towards ensuring equal opportunities for all citizens as the basis of social justice (art. 2).

The sole source of State authority in Ukraine is the sovereignty of the Republic's people. State authority in Ukraine is exercised directly by the people through the system of State organs on the principle of the latter's division into a legislature, an executive and a judiciary (art. 3).

In Ukraine, elections to elective organs of power must be held periodically and be based on the principle of universal, equal and direct suffrage by secret ballot, with everyone having an equal right to be a candidate (art. 5).

The rule of law applies in Ukraine. The provisions of the Constitution of Ukraine have supreme legal force. Laws and other legal instruments must be in conformity with the constitutional rules (art. 6).

The State guarantees the inviolability of human rights and freedoms and is accountable to the individual and society. The equality of all citizens of Ukraine before the law is guaranteed, irrespective of their origin, social or property status, race or nationality, sex, education, language, political views, religious beliefs, type or nature of occupation, domicile or other circumstances. The rights of national minorities are protected by law (art. 7).

All of citizens' rights and freedoms must be protected by independent, fair courts (art. 8).

In Ukraine, the State language is Ukrainian. The State is required to safeguard the free development of other languages used by Ukrainian citizens (art. 9).

Public life in Ukraine is based on the principles of political, economic and ideological pluralism. No ideology may limit freedom of beliefs, views or thought or be recognized as an official State ideology (art. 10).

Ukraine recognizes the priority of universal human values and of generally recognized principles of international law over the rules of its own domestic law (art. 12).

Ukrainian foreign policy is aimed at protecting the country's national interests and security through support for peaceful and mutually beneficial cooperation with the members of the international community on the basis of unwavering adherence to the principles of: respect for State sovereignty and sovereign equality; non-use of force or the threat of force; respect for human rights and fundamental freedoms; the equality and free self-determination of peoples; diligent fulfilment of international obligations (art. 14).

One of the main subsections of the draft Constitution directly protects a large number of human and citizens' rights and freedoms. These are underpinned by provisions that condemn racial discrimination and guarantee that all State organs and institutions will act in accordance with the Constitution and international obligations.

Ukraine pledges not to encourage, defend or support racial discrimination by any individual or organization. Ukraine undertakes to create effective machinery for the prevention of racial discrimination and commits itself to taking concrete measures in the social, economic, cultural and other spheres to ensure the proper development of national groups and their members so as to guarantee them full and equal enjoyment of human rights and fundamental freedoms.

In keeping with these requirements, the draft Constitution provides that all human beings are born free and equal in dignity and rights; everyone has fundamental, inherent rights and freedoms and these are inviolable and inalienable; the fundamental rights and freedoms form the basis for all other human rights and freedoms; no one's exercise of the rights and freedom provided to him or her by the Constitution or other laws may infringe upon others' rights or freedoms (art. 23), and that citizens of Ukraine are equal in the enjoyment of constitutional rights and freedoms, with no distinction with respect to origin, social or property status, sex, nationality, language, religion, education, political or other beliefs, type or nature of occupation, domicile or other circumstances (art. 24).

The draft Constitution also contains a concrete list of civil and political rights that are fully consistent with the International Covenants on human rights and freedoms, including as regards the inadmissibility of all forms of racial discrimination.

Everyone has the right to liberty, security of person and respect for his dignity.

Arrest, detention, questioning and other restrictions of whatever kind of personal liberty are permitted only on the basis of a reasoned decision by a court or approval by a procurator and solely in the cases and manner provided for by law (art. 34).

No one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Persons deprived of their liberty have the right to humane treatment and respect for their dignity.

Criminal liability arises for all torture of citizens restricted in their liberty on legal grounds and for all unlawful medical or other scientific experimentation on, and all moral humilitation of, such persons (art. 35).

Everyone is guaranteed inviolability of his domicile, written, telegraphic and other correspondence and telephone conversations (arts. 36-37).

Ukrainian citizens are guaranteed freedom of movement and residence within the borders of the Ukrainian State, and the right freely to leave Ukraine for other countries and to return on the conditions defined by law (art. 38).

No one may be subjected to arbitrary interference with his privacy or family.

No confidential information about a person may be collected, stored, used or disseminated without his consent or without a prior decision by a court in the cases and manner directly provided for by law.

Everyone is guaranteed defence by the courts of the right to refute falsehoods whose dissemination is detrimental to his interests or dignity and to demand compensation for the moral and material injury caused by such information (art. 39).

Ukrainian citizens are guaranteed freedom of speech and freedom to express and disseminate their views and beliefs without hindrance. No one may be persecuted for his beliefs or views.

Ukrainian citizens have the right of association for the exercise and defence of civil, political, social, economic and cultural rights and for the satisfaction of other interests.

No one may be compelled to join any association or restricted in his rights because he belongs or does not belong to a political party or any other body (art. 43).

Citizens are guaranteed the right of unarmed peaceful assembly and the right to hold meetings, street processions and demonstrations. State organs are obliged to ensure proper conditions for the conduct of such events and to safeguard public order and citizens' security (art. 45).

Citizens have an equal right to elect their representatives and to be elected to State organs or to elective State offices. Every citizen is

guaranteed without any unjustified restrictions the right to participate in the management of the State both directly and through representatives freely elected by himself (art. 46).

Every citizen has the right of equal access to any State function. The requirements applicable to candidates for such posts are set by law, taking into account the nature of public service and the duties of each post (art. 47).

In a multinational State like Ukraine, it is extremely important for the stability of society to ensure that all the nations and ethnic groups living in the country have equal rights.

The fundamentals of Ukraine's policy in this area, which takes into account the Declaration on State Sovereignty, the Universal Declaration of Human Rights and the International Covenants on the rights and freedoms of the individual, are set out in the Declaration on the Rights of Nationalities in Ukraine of 1 November 1991.

In this Declaration, the Ukrainian State guarantees all peoples, national groups and individual citizens who live on its territory equal political, economic, social and cultural rights (art. 1).

Discrimination on the ground of nationality is forbidden and punishable by law (art. 1).

The Ukrainian State guarantees all nationalities the right to maintain their traditional settlement pattern, will ensure the existence of national administrative units and undertakes to create appropriate conditions for the development of all national languages and cultures (art. 2).

There are also provisions on legal protection for the rights and interests of national minorities in the draft Constitution. This instrument provides, for example, that citizens belonging to national minorities have the right freely to manifest, preserve and develop their ethnic, linguistic or religious identity and to keep up and develop their culture. Whether a person belongs to a national minority is a matter for his own, free choice.

The State is responsible for defending the ethnic, cultural, linguistic and religious identity of all national minorities and seeing to it that conditions are appropriate for its encouragement (art. 25).

The Cabinet of Ministers has, in amplification of the above-mentioned provisions of the draft Constitution, submitted for consideration by the Supreme Council a draft Act on National Minorities in Ukraine, with a view to securing the political, social and economic rights of national minorities, the revival and development of the languages, cultures, traditions and customs of representatives of all ethnic groups and the satisfaction of their spiritual needs irrespective of national or social origin, sex, political beliefs, attitude to religion or other circumstances.

This bill deals with questions of the exercise of the rights of national minorities to national cultural autonomy, to the use and teaching of their own

languages, the use of national symbols, the profession of their own religions and the preservation of their environment in their historical and present-day places of residence. Machinery is defined for the creation and functioning of national administrative (i.e., territorial) units and the activities of national societies and associations. Procedure is also laid down for State regulatory activity in the resolution of problems to do with the development of national minorities.

Under the bill, Ukraine guarantees its citizens of whatever national origin equal civil, political, social, economic and cultural rights and freedoms and supports the development of national self-awareness and self-determination (art. 1).

National minorities are groups of whatever size of Ukrainian citizens who are not of Ukrainian nationality and who manifest feelings of national self-identification and community (art. 3).

The Ukrainian Supreme Council and, where necessary, the local soviets of people's deputies have standing commissions on questions of national relations. In addition, the executive bodies of local councils may include subsections dealing with such matters.

Voluntary advisory bodies made up of representatives of national minorities may be formed and operate within the framework of local councils of people's deputies.

The central organ of State control as regards relations between nationalities is the Nationalities Committee of the Ukrainian Cabinet of Ministers. Provision is made for the formation under the auspices of the Committee of a national affairs council to function as a voluntary advisory body (art. 5).

The State guarantees all national minorities the right to: national cultural autonomy; use and study of their own language; development of national cultural traditions; use of national symbols; celebration of national holidays; profession of their own religion; satisfaction of their needs as regards literature, art and mass media; establishment of national, cultural and educational institutions, and all other activity that is not contrary to law (art. 6).

For regions densely populated by national minorities, the State ensures through the network of educational establishments the training of teachers, cultural workers and other officials of the relevant nationality. On the basis of international agreements, State organs can assist national minorities with the training of specialists in other countries (art. 7).

In the work of State organs located in areas where a particular national minority comprises the majority of the population, the minority's language may be used on an equal footing with the State language, Ukrainian.

In areas where there are dense populations from a variety of national groups, use may be made on an equal footing with Ukrainian, the State language, of any language acceptable to the entire population of the area (art. 8).

The State guarantees national minorities the right to preserve their historical and present-day places of residence (art. 10).

In areas where dense populations from one or more national minorities comprise the majority of the local population, national administrative units may be formed (national districts or settlements, and national rural councils) (art. 15).

Citizens belonging to national minorities, as well as national associations, have the right freely to establish and maintain links with persons of the same nationality and their associations beyond the borders of Ukraine, to receive from them assistance in meeting linguistic, cultural, spiritual and financial needs and to participate in the activities of international non-governmental organizations (art. 18).

All direct or indirect restriction of citizens' rights or freedoms on the ground of nationality is forbidden and punishable by law (art. 20).

In the section of the draft Constitution entitled "System for division of the country into administrative units", article 121 specially provides that, in areas traditionally densely populated by national minorities, national administrative units should be formed at the request of the local population in order to satisfy their cultural, spiritual or linguistic needs.

Save for the Regulations on Citizenship of the Ukrainian SSR and the Constitution of the Ukrainian SSR, Ukraine has not previously had rules of its own on citizenship. Moreover, the Regulations did not govern Ukrainian citizenship, but merely stated that "the grounds and procedure for the acquisition and loss of citizenship are defined by the Act on Citizenship of the USSR (Constitution of the Ukrainian SSR, art. 31).

The international community and, in particular, the countries participating in the CSCE voiced serious criticisms of Ukraine in the matter of citizenship. This was because of a number of the provisions of the Act on Citizenship of the USSR (1978) and the actual practice of the former State.

The section on "Loss of Citizenship of the USSR" gave as grounds for the loss of citizenship the deprivation of citizenship if an individual had committed an act bringing the proud title of citizen of the USSR into disrepute and harming the prestige or State security of the USSR. The same provision was included in the new, 1990, Act on Citizenship of the USSR, with the qualification that it was applicable only to persons abroad (art. 20).

Deprivation of citizenship was a measure usually applied "in pursuit", when a person quit the country. Return to the country was not permitted. The illegal measure automatically deprived of their Soviet citizenship individuals who had left to take up permanent residence in another country, most often Israel.

The present draft Constitution makes provision for such basic elements of citizenship as the defence and protection of citizens outside Ukraine, as well as providing that a Ukrainian citizen may not be expelled from Ukraine or handed over to a foreign State.

The Act on Citizenship of Ukraine adopted on 8 October 1991 proclaims the right to citizenship as an inalienable human right. No one may be deprived of citizenship or of the right to change his citizenship (art. 21).

The Act lays down a starting point for citizenship of Ukraine (art. 2): whatever their origin, persons who were living in Ukraine when the Act came into force are Ukrainian citizens.

Article 6 also concerns the right to citizenship; it states that citizens of the Ukraine do not lose their Ukrainian citizenship on marrying foreign citizens or stateless persons, or when such a marriage is dissolved.

In contrast to former laws of the USSR on citizenship, the Act of Ukraine on Citizenship does not recognize the institution of deprivation of citizenship, no matter where the citizen may be - within or outside Ukraine. Moreover, the Act provides that the State is obliged through its official organs to defend and protect Ukrainian citizens when they are abroad and, should the rights of citizens be infringed, to take measures to restore those rights.

The institution of dual citizenship, which was not previously recognized in our country, is one guarantee of the right of citizenship. This institution gives the individual more scope to choose the State in which he wishes to reside, including choice in exceptional circumstances. However, dual citizenship does, naturally, entail some complications in interrelationships between citizen and State (e.g. taxation, military service, etc.).

A number of the provisions of the Act are aimed at preventing loss of citizenship by children. A child whose parents were Ukrainian citizens at the time of its birth is a Ukrainian citizen irrespective of the place of its birth. A child born in Ukrainian territory to stateless persons is a Ukrainian citizen providing the parents are permanently domiciled in Ukraine. Article 16 confers the right of citizenship on a child whose parents are unknown. In mixed marriages, should the question of change of citizenship arise, the Act requires the consent of the child to the change of citizenship if it is aged 14-16.

The provisions of the Act comply with the Convention on the Nationality of Married Women. Article 17 provides for a simplified naturalization procedure for women who marry Ukrainian citizens, the only condition being that they renounce their foreign citizenship. Even this requirement may not, however, be applicable if there is an agreement on dual citizenship between Ukraine and the State of origin of the married woman. Article 6 provides that the citizenship of the husband does not automatically change the citizenship of the wife.

The Constitution of the Ukrainian SSR said nothing about citizens' right to travel. That was governed by a series of Union instructions on residence and other matters concerning citizens on Ukrainian territory. The provisions of the present draft Constitution include the right of freedom of movement and choice of place of residence within the Ukrainian State (art. 38). With regard to entering and leaving Ukraine, a decision of the Supreme Council of Ukraine dated 12 September 1991 provides that, pending the adoption of Ukrainian legislation, the authorities for internal affairs shall follow the legislation of the former USSR concerning entry and exit, especially Decision No. 1064 approved by the Council of Ministers of the USSR on 28 August 1986. Some changes have been made to the procedures for entry into and departure from Ukraine, in accordance with Decision No. 247 of the Cabinet of Ministers of Ukraine on Procedure for the Drafting of Documents for the Right of Departure Abroad.

Unfortunately, these rules mark only modest progress towards fulfilment of the provisions of the Concluding Document of the Vienna meeting to the effect that States will simplify their practice and gradually curtail administrative requirements for applications based on the provisions of the Final Act concerning contacts between peoples (arts. 27, 39).

At the same time we should note the increasing momentum of foreign travel in Ukraine. Some 362,000 people went abroad for temporary residence on private business in 1988, 1,436,000 in 1989, 1,837,000 in 1990 and 2,347,000 in 1991.

The number of people leaving Ukraine for permanent residence abroad was 17,700 in 1988, 45,800 in 1989 and 96,800 in 1990.

Some 436,000 people entered Ukraine for temporary residence on private business in 1988, 671,000 in 1989, and 700,000 in 1990 and in 1991.

Out of more than 2 million applications for private travel abroad in 1991 only 463 persons, or 0.002 per cent of the applicants, were refused on the legally established grounds, and out of 60,000 applications to depart for permanent residence only 52 citizens were rejected, mainly on grounds of security.

There are no differences between citizens of Ukraine and foreigners in the realization of this kind of right.

A draft law that will reflect all the realities of the processes taking place in society is currently being prepared for the purpose of creating more effective machinery for handling matters of entry and exit.

During the period covered by the report, a number of pieces of legislation have been adopted in Ukraine to give substance to the provisions of the draft Constitution and to promote democracy and strengthen human rights.

The Act on Pan-Ukrainian and Local Referenda of 3 July 1981 prohibits all direct or indirect limitation on grounds of origin, social or property status,

race or nationality, sex, education, language, attitude towards religion, political views, or type or nature of occupation of the rights of Ukrainian citizens to take part in referenda (art. 7, section II).

Under the terms of the Act of 5 July 1991 on election of the President of Ukraine, citizens of Ukraine who have reached the age of 18 are entitled to take part in the election of the President.

All direct or indirect restriction of citizens' electoral rights on grounds of origin, social or property status, race or nationality, sex, education, language, attitude towards religion, political views, duration of residence in Ukraine, or type or nature of occupation is prohibited (art. 3).

Democratization processes have also been reflected in the rights of servicemen, as is shown by a set of laws on defence, the armed forces, and the social and legal protection of servicemen and their families.

Guarantees are provided for servicemen's civil rights and liberties. Servicemen may take part in referenda and vote in elections for, and be elected to Councils of People's Deputies. They may establish their own associations in compliance with existing legislation, but they may not be members of political parties, organizations or movements.

It has been specified for the first time that servicemen have the right of judicial appeal against illegal acts by military officials. They have the right to profess any religion or none at all.

Persons whose religious convictions are incompatible with service in the army are given the right to undertake an alternative form of service; a law to that effect has been adopted. A decision of the Supreme Council of Ukraine of 11 March 1992 terminated criminal proceedings against persons who evaded the call-up for active service on religious grounds and all existing convictions of such persons have correspondingly been expunged.

Many new legal rules have been introduced. The inadmissibility of using servicemen to carry out tasks unconnected with military service has been stated; they may be sent to take part in dealing with accidents and disasters only by decision of the Supreme Council.

Servicemen on fixed-term engagements are guaranteed the right on discharge to three months' employment at the enterprise in which they worked before their call-up in a post no lower than that previously occupied. In addition, they are granted the preferential right to remain at work in the event of job cuts in the two years after they leave the army.

The concepts of duty time and free time have been legally introduced for the first time, and a 41-hour working week has been established.

Following the adoption of the Declaration of State Sovereignty of Ukraine it became necessary to rethink the entire system of Government. In that context, the Act on Local Councils and Local Self-Government was adopted as a priority measure in December 1990.

That Act provides that local Councils elected by the people and functioning in towns, settlements and villages should be the main link in local self-government and popular representative bodies.

Council leaders, who were previously elected by the deputies to the local Soviets of People's Deputies, must now be elected by the population of the locality concerned. No Council chairman may remain a member of any party.

It is an important principle of local self-government that the Councils must be electable, subject to scrutiny and accountable and legally liable to the population. They have the important function of ensuring interaction with the State administration, political parties, social movements and bodies of workers.

The former Soviets of People's Deputies were not governing bodies; they retained only the trappings of power, while decisions were taken by Party bodies.

The powers and functions and, in general, the new status of the local Councils are now in need of clarification. This is particularly the case in connection with the recently adopted Act on the President's Representative, which has aroused mixed reactions. Some people regard the introduction of such a post as a means of resolving many day-to-day questions in a given territory - region, town or district, while others see in the Act a curb on democracy and on the role of the local Councils.

The main function of the President's Representative, or deputy, is to ensure compliance with the Constitution and laws of Ukraine. He has administrative, executive and monitoring functions. The Representative and his office will become a force promoting the implementation of decisions taken by the Councils. This will help to strengthen the Councils' role and influence and ensure the vitality of the laws adopted.

A "Round Table", a permanent body in which the President meets with representatives of political parties, associations and movements, has been created for the free exchange of opinions and the working out of constructive political solutions in connection with the existing threat to the sovereignty of Ukraine and the state of social crisis.

The first Round Table, held on 21 February 1992, discussed matters relating to the constant attempts by imperial forces to interfere in the internal affairs of Ukraine, as well as the role of political parties in society.

This report has touched solely on the principal legislation for the protection of human rights and political and civil rights.

Article 7

The draft Constitution of Ukraine establishes a range of up-to-date economic, social, environmental and cultural rights.

Every citizen of Ukraine has the right to economic freedom as expressed in the right to be a property owner, the right of free enterprise and the right to free choice of employment. No one may be arbitrarily deprived of his property (art. 48).

The Property Act adopted on 7 February 1991 emphasizes that the national wealth of Ukraine guarantees the right of every citizen to receive a proportion of social consumption funds, to social protection and to personal participation in the running of the economy (arts. 1, 2).

The subjects of property law in Ukraine are identified as the people, citizens, juridical persons and the State, but may be also be other States, their juridical persons, joint ventures, international organizations, citizens of other States and stateless persons. Property owners may possess, enjoy and dispose of their property at their own discretion (art. 4).

The State guarantees equal conditions for protection of the right to property. That protection is assured through a court, a court of arbitration, or an arbitration tribunal chosen by the parties (art. 48).

The draft constitution provides that citizens have the right to work. Everyone, without any restriction, has the right to equal pay for work of equal value.

Everyone who works conscientiously has the right to just and favourable remuneration capable of ensuring dignified conditions of life for himself and his family.

The State creates the conditions for the employment of the able-bodied population, and equal opportunities for citizens as regards choice of occupation and type of work (art. 49).

Ukraine's Act on Employment of the Population, adopted on 1 March 1991, makes the State responsible for ensuring employment through the pursuit of an active social and economic policy, the stimulation of job creation and the development of enterprise.

The Act protects the interests of the unemployed, offering them the opportunity of acquiring occupational training or improving their qualifications with the help of the State employment service; provision is made for the payment of unemployment benefit in the manner laid down and for additional financial assistance to unemployed persons and the dependent members of their families.

Citizens are accorded the right to work abroad and also to migrate freely and to receive appropriate material and financial resources.

The provision to all citizens, irrespective of origin, social or property status, race or nationality, sex, age, political beliefs or attitude towards religion, of equal opportunities in implementation of the right to free choice of a form of activity corresponding to the individual's capabilities and

occupational training and having regard to personal interests and social needs is one of the determining principles of State employment policy in Ukraine (arts. 1-4, 28, 31).

In compliance with a provision of the Act, a State employment service has now been set up in Ukraine to provide a comprehensive solution to questions relating to the regulation of employment, professional guidance, job placement and social assistance for the unemployed.

As at 8 April 1992 there were 684 job centres operating in Ukraine, covering 82 per cent of the country's administrative units. There are centres in almost every district and large town.

The Republican employment programme for 1991-1992 has been under way since 1991. A range of measures has been taken to stabilize and expand spheres of work, above all for that section of the citizenry who are most at risk, being incapable of competing on equal terms in the labour market. A total of 350,000 jobs have been earmarked in enterprises and organizations under all forms of ownership and nearly 42,000 persons in need of social protection have been placed in them.

These measures have been taken in implementation of the Act on the Principles of the Social Protection of Disabled Persons in the Ukrainian SSR, which was adopted on 21 March 1991.

Protection for the rights, freedoms and legal interests of disabled persons is provided through the courts or in any other manner laid down by law (art. 6).

The Act provides the right to set up public associations of disabled persons for the purpose of carrying out measures concerned with the social protection of disabled persons, their rehabilitation in the social, employment and medical spheres and their involvement in socially useful work (art. 12).

The Act on Employment of the Population came fully into effect on 1 July 1991.

Nearly 150,000 new jobs have been created in Ukrainian enterprises, and arrangements have been made for community service schemes employing over 31,000 people. Conditions are being created for the training, retraining and refresher training of the temporarily unemployed, with the aim of increasing their competitiveness in the labour market.

In the course of six months in 1991, 234,000 people asked the job centres for assistance in finding a job. More than half of them were placed, and 9,900 were registered as unemployed in receipt of unemployment benefit.

It should be commented that 9 out of 10 unemployed persons are specialists and white collar workers (more than 80 per cent of them women), whom it is difficult, not to say impossible to place in employment without vocational training or retraining which they refuse because they want to find jobs in the occupation for which they are trained.

The labour market, which took shape in practice in 1992, is considerably smaller than had been expected, owing to delays in the establishment of market mechanisms in the sphere of work, as elsewhere.

However, the transition to a market economy, de-statization and privatization, and also the imbalance between plans and resources of materials and technology may speed up the release of workers from the productive branches of the economy.

A deterioration of the labour market was already apparent at the beginning of the present year.

During the first quarter of 1992 the State employment service was approached for assistance in job-finding by 154,000 people, which is 65 per cent of the total number of job seekers in the second half of last year. In the same period 21,700 people were registered as unemployed, 2.2 times as many as in the second half of 1991. Unemployment payments quadrupled, primarily on account of the increase in the minimum wage.

The Republican employment programme envisages that the number of unemployed persons seeking work in 1992 will be 1.6 million, of whom 610,000 may be placed in work; 440,000 may be retrained and subsequently placed; 420,000 will receive an employment benefit; and 130,000 will be directed to paid community service.

Educational matters are regulated in Ukraine by the Education Act adopted on 23 May 1991. In accordance with article 3 of that Act, Ukrainian citizens are entitled to education irrespective of their sex, race or nationality, social or property status, type or nature of occupation, beliefs or faith, state of health, place of residence or other circumstances.

The age limit for entry to Ukrainian institutions of higher education was abolished in 1991.

Ukraine has 20,900 day schools providing general education, of which 3,162 are primary schools, 7,144 teach the incomplete secondary syllabus, and 10,600, including 73 lycées and 103 grammar schools, are complete-cycle secondary schools. These schools have a total of 6,833,200 pupils.

The breakdown of schools by language of tuition is as follows:

Ukrainian - 15,404 schools (73.7 per cent) - 3.1 million pupils (49 per cent);

Russian - 3,965 schools (18.9 per cent) - 2.4 million pupils;

Ukrainian/Russian - 1,318 (6.3 per cent) - 268,000 pupils;

Romanian - 110 schools - 28,600 pupils;

Hungarian - 59 schools - 11,700 pupils;

Polish - 3 schools - 537 pupils;

Jewish languages - 1 school - 327 pupils;

Teaching in 2-3 languages - 47 schools - 17,900 pupils.

Teacher training has been arranged to provide staff for the schools of ethnic groups of the population:

Bulgarian schools - 170 teachers;

Romanian schools - 162 teachers;

Hungarian schools - 243 teachers;

Crimean Tatar schools - 200 teachers;

Greek schools - 100 teachers;

Jewish schools - 17 teachers.

During the last three years 1,347 optional groups have been set up and joined by more than 20,000 pupils; they include 352 groups for the Romanian language, 162 groups for the Bulgarian language, 450 groups for the Crimean Tatar language and 78 groups for the Polish language. A gradual transition is under way from optional study of the mother tongue to its introduction as the language of tuition and the establishment of four years of tuition in the schools concerned. To date 412 such classes have been opened in 132 schools.

According to data for 31 December 1991, 2,263 newspapers had been registered in Ukraine, including 1,238 employing the Ukrainian language (54.7 per cent) and 608 Russian (26.9 per cent).

There are 346 periodicals being published, of which (41.3 per cent) are in Ukrainian and 66 (19.1 per cent) in Russian. There are newspapers and periodicals in the Crimean Tatar, Moldavian, Romanian, Bulgarian, Hungarian, German, Hebrew, Yiddish and other languages.

The Ukrainian Television and Radio Corporation broadcasts in Ukrainian. There are 15 regional television studios in operation and they also broadcast in the languages of the national minorities - Russian, Moldavian, Hungarian, Bulgarian, and Crimean Tatar.

Of the 89 States theatres of Ukraine, 68 stage works in Ukrainian, 19 in Russian and 1 in Crimean Tatar; there are 4,000 professional arts groups and 2,000 amateur groups of the national minorities.

A fund for the Cultural Development of the National Minorities of Ukraine was set up by a presidential decree of 29 April 1992.

The draft Constitution provides for the establishment of uniform conditions for the activity of public associations (art 109). At the same time it prohibits the creation and activity of parties and other public organizations and movements whose purpose is to change the constitutional order by force and to disrupt the territorial integrity of Ukraine, or to

breach its security, to make propaganda for war, violence or cruelty, to foment national, racial, religious or social hatred, or to infringe human rights (art. 110).

According to data for 29 April 1992, there were 239 public organizations registered with the Ministry of Justice of Ukraine. They include the Republican, Socialist, Liberal, Peasant and other political parties, but all these parties are small and none has any appreciable influence on the country's political life.

Cultural and learned societies (of which there were 155 on 15 April 1992), comprise a considerable proportion of the public organizations. Around 160,000 people of foreign ethnic origin play a part in their work.

There are 30 societies representing Jewish interests, 19 for Germans, 15 each for Russians and Poles, 8 each for Bulgarians and Armenians, 6 for Czechs and Slovaks, and 5 each for Greeks and Azerbaijanis.

The new legislation permits wider participation in the trade union movement. The draft Constitution provides for the right to strike "for the purpose of protecting the economic and social rights of workers" (art. 53).

The trade unions are playing an increasing role. It was trade union insistence that led in 1991, to the establishment of the State guarantee for a minimum wage, the introduction of index-linked incomes, legislation on the financing of employment from the State budget, and the removal of restrictions on the consumption fund of enterprises, so enabling salaries to be increased.

It should be pointed out that the task of ensuring the social and cultural rights of Ukrainian citizens and the implementation of the laws concerned are being held back by the present adverse economic situation in Ukraine.